

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, June 15, 2011 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Chairperson Horwich.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners Gibson, Rizzo, Skoll, Uchima, Weideman and Chairperson Horwich.

Absent: Commissioner Polcari (excused).

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Associate Civil Engineer Symons, and Assistant City Attorney Sullivan.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, June 10, 2011.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Weideman moved for the approval of the May 4, 2011 Planning Commission minutes as submitted. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote, with Commissioner Gibson abstaining (absent Commissioner Polcari).

**MOTION:** Commissioner Weideman moved for the approval of the May 18, 2011 Planning Commission minutes as submitted. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote, with Commissioner Gibson abstaining (absent Commissioner Polcari).

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan relayed requests to continue Agenda Item 11B, PRE11-00005, to July 20, 2011; Agenda Item 11C, PRE11-00006, WAV11-00005, to July 6, 2011; and Agenda Item 11D, ZON10-00001, to July 6, 2011.

**MOTION:** Commissioner Weideman moved to continue Agenda Items 11C and 11D to July 6, 2011 and to continue Agenda Item 11B to July 20, 2011. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Polcari).

**7. ORAL COMMUNICATIONS #1**

**7A.** Michael Fagiani, attorney representing PV Massage, asked to be heard on the proposed Zoning Ordinance regulating massage establishments (Agenda Item 11D, ZON10-00001). He explained that he will be unable to attend the July 6, 2011 meeting because of a scheduling conflict and his client is concerned about having to relocate due to new zoning restrictions.

Assistant City Attorney Sullivan advised that the Commission was not taking testimony at this time because the hearing has been continued and suggested that the attorney submit his comments in writing if he is unable to attend the July 6 meeting. He clarified that no existing massage business will be required to relocate due to the proposed zoning restrictions.

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Chairman Horwich reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS** – None.

**9. CONTINUED HEARINGS** – None.

**10. WAIVERS** - None.

**11. FORMAL HEARINGS**

**11A. PRE11-00002, WAV11-00008: PAUL AND MEGAN BURKE**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence in conjunction with a Waiver to allow an over-height retaining wall on property located within the Hillside Overlay District in the R-1 Zone at 5479 Sharynne Lane.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Commissioner Rizzo announced that he was abstaining from consideration of this item because, while he does not live within the notification area, the subject property was formerly owned by his in-laws and he has long-standing relationships with many of the neighbors and he exited the dais.

Peter Rahill, project architect, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 7, which requires windows in the office and adjacent bathroom to be replaced with transom windows with a sill height of no less than 5'6," and Condition No. 8, which requires that windows in the kitchen and laundry be constructed of frosted or obscure glass. He explained that the property owners are concerned that they won't be able to see their children playing outside if the windows are frosted or the sill heights are too high and they are proposing instead to use

landscaping to create a privacy buffer. He submitted a preliminary landscaping plan to the Commission.

Planning Manager Lodan advised that staff typically recommends against using landscaping as a solution because it is not permanent and even though windows can be changed, the City would have the ability to take enforcement action.

Referring to the letter from Ed Danielsen, 5726 Clearsite Street (agenda material), Commissioner Weideman asked about the number of chimneys. Mr. Rahill reported that there will be four non-wood-burning gas fireplaces and their chimneys will meet minimum requirements, which is 2 feet above any roofing material within 10 feet.

Commissioner Gibson questioned whether it would be a “deal breaker” for the applicants if Condition Nos. 7 and 8 were not deleted, and Mr. Rahill reiterated that it’s very important to the applicants to be able to see their children playing in the yard. He stated that he was not sure that minimum light and ventilation requirements could be met if sill heights in the office were raised any higher and he believed that frosted glass would detract from the appearance of the home. He voiced his opinion that using landscaping to create a privacy barrier would be more aesthetically pleasing for both the applicants and neighbors.

Chairperson Horwich noted his concurrence with staff that landscaping was not a good solution.

Eloy Retamal, 5465 Sharynne Lane, voiced support for the project, relating his belief that it will improve property values in the neighborhood.

Ed Danielsen, 5726 Clearsite Street, commended the applicants for keeping the roofline as low as possible, but expressed concerns that the multiple chimneys might intrude on the view of trees and greenery from first and second-story windows. He asked for confirmation that the fireplaces would not be wood-burning. Explaining that his property is slightly higher in elevation so the roof will be very prominent, he asked that the roofing material be a neutral color that blends with the surroundings. He also requested that no large trees be planted in the backyard that would block his southern view and that any backyard lighting be directed away from his property.

Commissioner Weideman asked if it was within the Commission’s purview to specify the color of roofing material. Planning Manager Lodan advised that the Commission would not typically be involved in this level of detail, however, staff reviews exterior color and material samples during the plan check process and would take neighbors’ concerns into account.

Randy Fortunato, 5404 Reese Road, stated that he was opposed to the frosted windows because they would create a barrier between neighbors and detract from the friendly atmosphere of the “Sleepy Hollow” neighborhood, as well as make it impossible for the applicants to see their children playing on the driveway. He noted that the existing house has had clear windows with a similar vantage point since it was built in 1949 and they have never been a problem.

Paul Burke, 5479 Sharynne Lane, applicant, reported that he has worked with neighbors on both sides to minimize the impact of the project, including reducing the overall height of the project by lowering the grade two feet. He explained that his neighbors, Dick and Debbie Ellis at 23002 Doris Way, had earlier indicated that using landscaping to create a privacy buffer was acceptable, therefore, he was surprised to learn that Conditions No. 7 and 8 had been added. He requested that the conditions be deleted because the window modifications would make it impossible to see his children when they're outside playing.

Commissioner Weideman noted that the windows in question face the driveway on the side of the house. Mr. Burk explained that while the backyard would be the preferred play area, he expected that his two boys would find the long driveway inviting and not being able to see it from inside the house would definitely be a safety concern. He pointed out that the windows in the kitchen are 30 feet from the property line.

In response to Commissioner Gibson's inquiry, Mr. Burke reported that his sons are two years old and six months old.

Commissioner Uchima stated that he did not believe the windows in the kitchen would create a privacy issue because they are on either side of a cook top/range and not over a sink where someone would spend a lot of time. Noting that the office has a closet and an attached bathroom, he questioned whether it was also intended for use as a guest bedroom.

Mr. Burke stated that the room will be a home office because he frequently works from home. He explained that the closet is for the storage of equipment/media and the bathroom was included so clients would not have to trudge through the rest of the house.

In response to Commissioner Uchima's inquiry, Mr. Burke reported that he is a programmer involved in catalogue development and customers rarely visit his home.

Mr. Rahill noted that the windows in the office are transom windows with a sill height of 4'6" so that a credenza or bookcase could be placed beneath them.

Commissioner Uchima asked if there was any line-of-sight into a bedroom or bathroom window from the office windows, and Mr. Burke stated that he did not know the layout of his neighbor's house.

Planning Manager Lodan reported that the neighbor's swimming pool is adjacent to the office and privacy impact to that area was a concern of staff.

Mr. Burke reported that Debbie Ellis told him that she liked the silver sheen plants along the west side of her property so he offered to line the driveway with the same type of plants to create a natural privacy screen and she was agreeable to this idea.

In response to Commissioner Uchima's inquiry, Mr. Burke confirmed that there would be window coverings on the kitchen windows.

Commissioner Uchima asked if Mr. Burke would agree to raise the sill height of the windows in the office if Condition No. 8 was eliminated and Mr. Burke indicated that he would agree to this compromise as long as light and ventilation requirements could be met without an extensive re-design.

After reviewing the plans, Plans Examiner Noh reported that the windows in the office greatly exceed minimum light and ventilation requirements so raising the sill height should not create any problems.

Richard Ellis, 23002 Doris Way, stated that the privacy of his backyard pool area is a major concern and he was assured by the Burkes that there would be no sight-lines from the new home into this area, however, it appears that this is not the case. He noted that his teenage daughter and her friends use the backyard area, and while he does not believe the Burkes would be a problem, this property could change hands in the future.

Commissioner Uchima asked if Dr. Ellis would be agreeable to the compromise he discussed with Mr. Burke – retaining Condition No. 7 and eliminating Condition No. 8.

Dr. Ellis indicated that he was not comfortable agreeing to this compromise without a clearer understanding of the sight-lines from the kitchen windows.

Mark Forney, 5473 Sharynne Lane, reported that lowering the grade two feet restored views from his living room and yard, but the project still blocks the view from a bedroom. He asked about the possibility of eliminating the peak of the roof because this is the portion that is affecting his view.

Returning to the podium, Mr. Burke clarified that the office windows as proposed have almost identical sight-lines into Dr. Ellis's property as existing windows and the only thing visible is the second-level of his house with absolutely no view of the pool area.

Mr. Rahill reported that sight-line drawings were submitted for the office windows, which are 14 feet away from the property line, but they were not done for the kitchen windows, which are 30 feet away from the property line, because there is no downward view into Dr. Ellis's property at this point due to the 10-foot difference in the elevation of the properties.

In response to Commissioner Weideman's inquiry, Mr. Rahill confirmed that the gas fireplaces will not be capable of burning wood. Plans Examiner Noh noted that AQMD (Air Quality Management District) regulations prohibit wood-burning fireplaces.

Commissioner Weideman commented that he thought the applicant's answer to Item 2b of the Precise Plan Application (page 16 –staff report) was non-responsive.

Debbie Ellis, 23002 Doris Way, stated that she and her husband are not architects and therefore did not understand the sight-line drawings that were given to them and they were under the impression that the project would have sight-lines into their property. She further stated that they were now comfortable with the compromise proposed by Commissioner Uchima and believe that raising the sill height of the office windows coupled with the planting of trees will address their concerns.

**MOTION:** Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioners Polcari and Rizzo).

Commissioner Weideman proposed that Condition No. 6 be amended to require samples of roofing material to be reviewed by staff.

**MOTION:** Commissioner Uchima moved for the approval of PRE11-00002, and WAV11-00008, as conditioned, including all findings of fact set forth by staff, with the following modifications:

**Modify**

No. 6            That exterior color and material and roof samples shall be submitted to the Community Development Department for approval prior to the issuance of any building permits.

**Delete**

No. 8            That windows in the kitchen and laundry shall use frosted or obscure glass to the satisfaction of the Community Development Director

The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioners Polcari and Rizzo).

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution Nos. 11-037 and 11-038.

**MOTION:** Commissioner Uchima moved to adopt Planning Commission Resolution Nos. 11-037 and 11-038 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Rizzo and Polcari).

Planning Commissioner Rizzo returned to the dais.

**11B. PRE11-00005: DAFNA LAHAV (PETER JOHN SIMROSE)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 128 Via Colusa.

Continued to July 20, 2011.

**11C. PRE11-00006, WAV11-00005: TOMARO ARCHITECTS (MEGUMI MATSUDA)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new one-story, single-family residence with semi-subterranean garage and basement, in conjunction with a Waiver of the rear yard setback requirement on property located within the Hillside Overlay District in the R-1 Zone at 524 Paseo de las Estrellas.

Continued to July 6, 2011.

**11D. ZON10-00001: CITY OF TORRANCE**

Planning Commission consideration of an Ordinance amending portions of the Torrance Municipal Code to regulate the location of massage establishments.

Continued to July 6, 2011.

**12. RESOLUTIONS – None.**

**13. PUBLIC WORKSHOP ITEMS – None.**

**14. MISCELLANEOUS ITEMS**

**14A. PLANNING COMMISSION ELECTIONS**

**MOTION:** Commissioner Weideman moved to elect Commissioner Skoll as Chairperson for 2011-2012. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote (absent Commissioner Polcari).

**MOTION:** Commissioner Gibson moved to elect Commissioner Uchima as Vice Chair for 2011-2012. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Polcari).

**15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS – None.**

**16. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the July 6, 2011 Planning Commission meeting.

**17. ORAL COMMUNICATIONS #2**

**17A.** Assistant City Attorney Sullivan introduced Abraham Bagheri and Jeanne-Marie Litvin who will be serving as law clerks in the City Attorney's office this summer.

**17B.** Commissioner Uchima commended Chairperson Horwich for doing an excellent job as chair and running very efficient meetings.

**17C.** Commissioner Gibson also commended Chairperson Horwich for doing a great job.

**17D.** Commissioner Skoll thanked Chairperson Horwich for his service, stating that he appreciated being able to draw on his wealth of experience. He also thanked his colleagues for electing him Chairperson.

**17E.** Commissioner Rizzo echoed comments about Chairperson Horwich's wealth of experience.

**17F.** Commissioner Weideman thanked Chairperson Horwich for his service.

**17G.** Chairperson Horwich stated that it was an honor to serve as chair and introduced his wife June who was present at the meeting.

**18. ADJOURNMENT**

At 8:22 p.m., the meeting was adjourned to Wednesday, July 6, 2011 at 7:00 p.m.

Approved as Submitted July 6, 2011 s/ Sue Herbers, City Clerk
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